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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SCHAKOWSKY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Toxic Chemicals
5 in Food Packaging Act of 2026”.

1 **SEC. 2. SUBSTANCES DEEMED UNSAFE FOR USE AS FOOD**
2 **CONTACT SUBSTANCES.**

3 (a) IN GENERAL.—Section 409 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 348) is amended by
5 adding at the end the following:

6 “(l) SUBSTANCES DEEMED UNSAFE FOR USE AS
7 FOOD CONTACT SUBSTANCES.—

8 “(1) IN GENERAL.—For purposes of this sec-
9 tion and section 402(a)(2)(C), the following are
10 deemed to be unsafe for use as food contact sub-
11 stances:

12 “(A) Any chemical belonging to the class
13 of ortho-phthalates.

14 “(B) Any chemical belonging to the class
15 of PFAS.

16 “(C) Bisphenol A, B, S, F, or AF or re-
17 lated compounds.

18 “(D) Acrolein.

19 “(E) Acrylamide.

20 “(F) BHA (tert-Butyl-4-hydroxyanisole).

21 “(G) Chlorinated paraffins.

22 “(H) 1,4-Dioxane.

23 “(I) Asbestos.

24 “(J) Benzene.

25 “(K) Chloroform.

26 “(L) Methylene chloride.

1 “(M) Ethylene oxide.

2 “(N) Formaldehyde.

3 “(O) Styrene polymers.

4 “(2) ALTERNATIVE SUBSTANCES.—In acting in
5 response to any petition under this section to estab-
6 lish safety with respect to a food contact substance
7 that the Secretary determines to be an alternative to
8 a substance listed in paragraph (1), in addition to
9 the criteria under subsection (c), the Secretary shall
10 consider potential adverse effects of exposure to the
11 substance on vulnerable populations.

12 “(3) DEFINITIONS.—In this subsection:

13 “(A) The term ‘ortho-phthalates’ means a
14 class of chemicals that are non-polymeric esters
15 of ortho-phthalic acid.

16 “(B) The term ‘PFAS’ means a
17 perfluoroalkyl substance or a polyfluoroalkyl
18 substance that contains at least 1 fully
19 fluorinated methyl or methylene carbon atom.

20 “(C) The term ‘vulnerable population’
21 means a human population that is subject to
22 the potential for disproportionate exposure to,
23 or the potential for disproportionate adverse ef-
24 fect from exposure to, a chemical substance or
25 mixture, including—

- 1 “(i) infants, children, and adolescents;
2 “(ii) pregnant women;
3 “(iii) the elderly;
4 “(iv) individuals with preexisting med-
5 ical conditions;
6 “(v) workers who may be exposed to
7 chemical substances and mixtures;
8 “(vi) residents in communities subject
9 to disproportionate exposures; and
10 “(vii) members of any other appro-
11 priate population identified by the Sec-
12 retary.”.

13 (b) PRESERVATION OF STATE AND LOCAL AUTHOR-
14 ITY.—Section 409 of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 348) is amended further by adding
16 at the end the following:

17 “(m) PRESERVATION OF STATE AND LOCAL AU-
18 THORITY.—

19 “(1) IN GENERAL.—Nothing in this section, or
20 any rule promulgated under this section, shall be
21 construed to limit the authority of a State or polit-
22 ical subdivision of a State to enact, adopt, promul-
23 gate, and enforce any law, rule, regulation, ordi-
24 nance, or other measure with respect to any food ad-
25 ditive that is in addition to, or more stringent than,

1 requirements established under this section, includ-
2 ing a law, rule, regulation, ordinance, or other meas-
3 ure relating to—

4 “(A) the prohibition of the use of any sub-
5 stance as a food additive; and

6 “(B) the manufacture, distribution, sale,
7 or use of any food containing a food additive
8 regulated under this section.

9 “(2) RULE OF CONSTRUCTION REGARDING
10 STATE AND LOCAL LAW.—No provision of this sec-
11 tion relating to food additives shall be construed to
12 modify or otherwise affect any action or the liability
13 of any person under the law of any State or political
14 subdivision of a State.

15 “(3) FOOD ADDITIVE DEFINED.—In this sub-
16 section, the term ‘food additive’ includes a food addi-
17 tive that is a food contact substance.”.

18 (c) DELAYED APPLICABILITY.—Section 409(l) of the
19 Federal Food, Drug, and Cosmetic Act, as added by sub-
20 sections (a), applies beginning on the date that is 2 years
21 after the date of enactment of this Act.